

Appl. No. 10/632,075
Amtd. dated October 12, 2004
Reply to Office Action of July 27, 2004

REMARKS

Claims 2, 3 and 4 were rejected by the Examiner under 35 USC 102(b) as being anticipated by U.S. Patent No. 846,389 to Blackburn (hereinafter Blackburn). Claims 5, 6 and 7 were rejected by the Examiner under 35 USC 103(a) as being unpatentable over Blackburn in view of U.S. Patent No. 5,085,281 to Selly (hereinafter Selly).

The Examiner's remarks and the references cited therein were carefully reviewed by applicant. In response, applicant amended claims 2 - 7 to further emphasize the novel features of applicant's invention. Applicant believes that the claims presented herein are allowable over the art of record.

Applicant respectfully submits that Blackburn fails to anticipate his invention as set forth in the claims. Blackburn's device is an extension handle for an auger and includes an axially elongate body (block 4), having a rectangular cross section shaft 6 passing therethrough. The shaft 6 includes recesses for receiving pins 12 which are inserted and released into the recesses by spring loaded levers 13 pivotably attached to the body 4. The feature of the shaft passing through the body enables the extension function of Blackburn's invention. Specifically, as the auger drills deeper into the earth, the operator extends the length of the shaft by releasing the pins 12, pulling the shaft out to the desired length and reinserting the pins 12. Blackburn's device provides an extensible shaft for imparting a rotary motion to an auger deep in the earth. It is unsuitable for use in stake insertion and extraction operations and fails to disclose or suggest applicant's coupler invention.

Blackburn's device contrasts markedly from applicant's coupler as described in the amended claims. Specifically, applicant's coupler includes a first, closed end and a second open end. The first, closed end of applicant's invention functions to impart a driving force to the stake in order to drive it into the ground. This closed end feature of applicant's invention is a clearly recited claim limitation appearing in each of the claims. It has no

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counterpart in Blackburn and cannot be overlooked by the Examiner. Thus, for these reasons, Blackburn fails to anticipate applicant's independent claims 2 - 4.

In addition to the closed end feature of applicant's invention, the newly added limitation of "planar keepers" to claims 2, 3, 5 and 6 was made to add further patentable distinction to applicant's invention. This planar feature, as described and shown in applicant's specification and drawing figures, enables the exertion of an upward force on the underside of the stake head during use, imparting a pulling force thereto. In marked contrast to applicant's planar keepers, Blackburn utilizes retractable pins. Blackburn, therefore, neither discloses nor suggests the novel planar keepers of applicant's invention.

Turning to the Examiner's rejection of claims 5 - 7, applicant respectfully asserts that the cited combination of Blackburn and Selly fails to anticipate applicant's invention. Selly was cited by the Examiner for the use of a slide hammer. While Selly does disclose a slide hammer, the addition of Selly to Blackburn fails to overcome the basic fact that neither Blackburn nor Selly describes or suggests a coupler having an axially elongate body including a first, closed end and a second, open end. Blackburn's device is an auger for drilling in the earth. Blackburn's device is designed for transmitting rotary torque and it is unclear how or why adding a slide hammer would be considered desirable by the artisan. Moreover, the addition of a slide hammer would render Blackburn's device inoperable for its intended purpose. In contrast, applicant's coupler includes a first closed end for imparting a driving force to the stake. These claim limitations found in claims 2 - 7 are not found in Blackburn or Selly. Thus, this combination asserted by the Examiner fails to teach or suggest applicant's invention.

For the basic shortcomings illustrated above, it is respectfully submitted that the Blackburn and Selly references, taken either singly or in combination, fail to disclose or suggest applicant's invention as described in the amended claims. Moreover, the combination of Blackburn and Selly would fail because the addition of a slide hammer would render Blackburn's device inoperable for its intended purpose.

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In view of the foregoing, it is respectfully submitted that the claims as amended should be considered allowable.

Respectfully submitted,



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